



Legislative Bulletin..... April 26, 2007

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H.R. 249 — To restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: 0

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 249 — To restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros (*Rahall, D-WV*)

Order of Business: The bill is scheduled to be considered on Thursday, April 26, 2007, subject to an open rule ([H.Res. 331](#)), making in order only those amendments that are pre-printed in the Congressional Record.

Summary: H.R. 249 would strike a provision of the Wild Free-Roaming Horses and Burros Act of 1971 that allows the Bureau of Land Management (BLM) to commercially sell certain free-roaming horses or burros. Thus, the bill would prohibit the commercial sale and slaughter of wild free-roaming horses and burros.

Additional Information: According to CBO, “Currently, BLM administers a program to protect, manage, and control wild free-roaming horses and burros. As part of that program, BLM sells wild horses and burros that are over 10 years of age for commercial purposes for about \$10 per animal if the animals have not been successfully adopted in three auctions. If the animals are not adopted and BLM cannot sell the animals, it provides long-term care for them.” H.R. 249 would prohibit the sale of these animals.

Rep. Jeff Flake submitted the following dissenting view included in Committee Report 110-93:

“I oppose H.R. 249. This legislation needlessly eliminates the sale authority of the Bureau of Land Management and bans the sale or transfer of wild horses and burros for commercial processing, which is already prohibited by the Bureau of Land Management (BLM).

Under current law, BLM is allowed to sell animals that are either more than 10 years old or have been offered unsuccessfully for adoption at least three times. Roughly 2,300 animals have been successfully sold into private care. Selling old animals that have not been adopted is a humane solution. It places animals into private care and lessens the crowding in holding facilities. The proceeds from selling eligible animals are returned to BLM’s adoption fund to help with the wild horse and burro adoption program, which lowers the overall cost to taxpayers. Because the bill groups the sale of wild horses and burros with the ban on slaughter, I oppose it. I do not believe that the two issues should be tied together.”

For further information on the BLM’s free-roaming horses and burros program visit [this](#) BLM website.

Committee Action: H.R. 249 was introduced on January 5, 2007, and referred to the House Committee on Natural Resources, which held a mark-up and reported the bill by voice vote on March 7, 2007.

Cost to Taxpayers: According to CBO, H.R. 249 would not significantly affect the federal budget.

Does the Bill Expand the Size and Scope of Government? No.

Does the Bill Contain Any New State-Government, Local-Government or Private-Sector Mandates? No.

Constitutional Authority: Committee Report 110-93 cites constitutional authority in Article 1, Section 8 of the Constitution, but fails to cite a specific clause.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” [emphasis added].

Earmark Compliance: According to Committee Report 110-93, the “H.R. 249 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(t) of rule XXI.”

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